

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

)	CASE NO.
)	JUDGE
TIMOTHY GRILLS)	MAGISTRATE JUDGE
6724 Avon Lake Road)	
Medina, Ohio 44256)	
)	
Plaintiff,)	<u>PLAINTIFF'S COMPLAINT</u>
)	
vs.)	(Jury Demand Endorsed Herein)
)	
HEWLETT-PACKARD COMPANY)	
)	
Serve Statutory Agent:)	
)	
C T Corporation System)	
1300 E Ninth St.)	
Cleveland, Ohio 44114)	
)	
Defendant.)	

Now comes Plaintiff, Timothy Grills, by and through counsel, and for a Complaint against Defendant Hewlett-Packard Company (“HP”), states and alleges the following:

INTRODUCTION

1. Plaintiff brings this lawsuit as a result of Defendant’s failure to pay Plaintiff overtime compensation at the rate of one and one-half times his regular rate of pay for all of the hours he worked over 40 in a workweek, in violation of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201-219.

JURISDICTION AND VENUE

2. The Court has jurisdiction over Plaintiff’s FLSA claims pursuant to 28 U.S.C. § 1331.

3. Venue lies in this Court pursuant to 28 U.S.C. § 1331(b) because a substantial part of the events or omissions giving rise to the claims occurred in Medina County, Ohio, within this District and Division.

PARTIES

4. At all times relevant herein, Plaintiff was a citizen of the United States and a resident of Medina County, Ohio

5. At all times relevant herein, Plaintiff was an employee within the meaning of 29 U.S.C. § 203(e).

6. At all times relevant herein, Plaintiff worked from his home in Medina County.

7. At all times relevant herein, Defendant was an employer within the meaning of 29 U.S.C. § 203(d).

8. At all times relevant herein, Defendant was an enterprise within the meaning of 29 U.S.C. § 203(r).

9. At all times relevant herein, Defendant was an enterprise engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. § 203(s)(1).

10. At all times relevant herein, Plaintiff was an employee engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. §§ 206-207.

FACTUAL ALLEGATIONS **(Failure to Pay Overtime Compensation)**

11. Plaintiff has been employed by Defendant for approximately 32 years, his most recent and current position being a Technical Consultant III.

12. During Plaintiff's employment with Defendant as a Technical Consultant III, Defendant paid him a salary wage, and classified him as "exempt" from the FLSA's overtime requirements.

13. As a Technical Consultant III, Plaintiff did not have authority to hire, fire, or promote employees.

14. As a Technical Consultant III , Plaintiff's primary duty was not engaging in management.

15. As a Technical Consultant III , Plaintiff's primary duty was not acting as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field.

16. As a Technical Consultant III, Plaintiff worked over 40 hours per week, but Defendant failed to pay Plaintiff overtime compensation for the hours he worked over 40 in a workweek.

17. Defendant knowingly and willfully failed to pay Plaintiff overtime compensation for the hours he worked over 40 in a workweek.

COUNT ONE
(Fair Labor Standards Act Violations)

18. Plaintiff incorporates by reference the foregoing allegations as if fully rewritten herein.

19. Defendant's failure to pay Plaintiff overtime compensation at a rate of one and one-half times his regular rate of pay for all of the hours he worked over 40 in a workweek violated the FLSA, 29 U.S.C. §§ 201-219.

20. By engaging in the above-mentioned activities, Defendant willfully, knowingly and/or recklessly violated the provisions of the FLSA.

21. As a result of Defendant's practices and policies, Plaintiff has been damaged in that he has not received overtime due to him pursuant to the FLSA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court:

- A. Award Plaintiff actual damages for unpaid overtime compensation;
- B. Award Plaintiff liquidated damages equal in amount to the unpaid overtime compensation found due to Plaintiff under the FLSA;
- C. Award Plaintiff pre- and post-judgment interest at the statutory rate;
- D. Award Plaintiff attorneys' fees, costs, and disbursements; and
- E. Award Plaintiff further and additional relief as this Court deems just and proper.

Respectfully submitted,

/s/ Anthony J. Lazzaro
Anthony J. Lazzaro (0077962)
David J. Steiner (0075217)
Sonia Gassan (0088684)
The Lazzaro Law Firm, LLC
920 Rockefeller Building
614 W. Superior Avenue
Cleveland, Ohio 44113
Phone: 216-696-5000
Facsimile: 216-696-7005
anthony@lazzarolawfirm.com
david @lazzarolawfirm.com
sonia@lazzarolawfirm.com
Attorneys for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

/s/ Anthony J. Lazzaro
Attorney for Plaintiff